

CARLIE CHRISTENSEN, United States Attorney (0633)
JEFFREY E. NELSON, Assistant United States Attorney (2386)
185 South State Street #300
Salt Lake City, Utah 84111
Telephone: (801) 524-5682
jeff.nelson@usdoj.gov

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, NORTHERN DIVISION

ANTA DIOP,	:	
	:	
Plaintiff,	:	Case No. 1:10cv00202BCW
	:	
v.	:	
	:	ATTORNEYS' PLANNING
UNITED STATES OF AMERICA,	:	MEETING REPORT
	:	
Defendant.	:	
	:	Magistrate Brooke C. Wells
	:	
	:	

1. PRELIMINARY MATTERS

- a. The nature of the claims and affirmative defenses is:

Plaintiff Anta Diop alleges that she was injured when she fell while on the premises of Hill Air Force Base in Davis County, Utah. Plaintiff claims that her fall was caused by the United States' failure to keep the premises free of hazardous conditions. Plaintiff seeks both economic and non-economic damages.

Defendant United States of America denies that its employees were negligent as alleged by Plaintiff and denies that any act or omission of its employees caused or contributed to the damages claimed by Plaintiff.

- b. This case is not referred to a magistrate judge.

- c. Pursuant to Fed. R. Civ. P. 26(f), Scott P. Nickle, counsel for Plaintiff Anta Diop, and Jeffrey E. Nelson, counsel for the United States, have conferred and agreed on the proposed pretrial proceedings and schedule set forth below.
 - d. The parties do not request an initial pretrial scheduling conference with the Court prior to entry of the scheduling order. An initial pretrial scheduling conference is set before Magistrate Judge David Nuffer on May 11, 2011, at 11:30 a.m.
 - e. The parties will exchange by April 29, 2011, the initial disclosures required by Rule 26(a)(1).
2. **ELECTRONIC SERVICE** Pursuant to Fed. R. Civ. P. 5(b)(2)(E), the parties agree to receive all items required to be served under Fed. R. Civ. P. 5(a) by either (i) notice of electronic filing, or (ii) e-mail transmission. Such electronic service will constitute service and notice of entry as required by those rules. Any right to service by USPS mail is waived.
3. **DISCOVERY PLAN** The parties jointly propose to the Court the following discovery plan:
- a. Discovery is necessary on the following subjects: All claims and defenses asserted by the parties.
 - b. Discovery Phases: None – discovery on all issues will proceed simultaneously.
 - c. Designate the discovery methods to be used and the limitations to be imposed.
 - 1. Oral Exam Depositions
 - Plaintiff: 10
 - Defendant: 10
 - Maximum number of hours per deposition: 6
 - 2. Interrogatories: 25
 - Requests for admissions: Unlimited
 - Requests for production of documents: Unlimited
 - 3. Other discovery methods: As provided by the applicable rules.

4. AMENDMENT OF PLEADINGS AND ADDITION OF PARTIES

- a. The cutoff dates for filing a motion to amend pleadings are:
Plaintiff(s): 05/10/11 Defendant(s): 05/10/11
- b. The cutoff dates for filing a motion to join additional parties are:
Plaintiff(s): 05/10/11 Defendant(s): 05/10/11

5. EXPERT REPORTS

- a. Reports from experts under Rule 26(a)(2) will be submitted on:

Plaintiff(s): 10/31/11
Defendant(s): 11/28/11

6. OTHER DEADLINES

- a. Fact discovery cutoff: 10/03/11 Expert discovery cutoff: 01/09/12
- b. Deadline for filing dispositive or potentially dispositive motions and Daubert motions: 02/06/12

7. ADR/SETTLEMENT

- a. The potential for resolution before trial is fair.
- b. This case should be referred to the court's alternative dispute resolution program:
No
- c. The case should be re-evaluated for settlement/ADR resolution on 01/16/12.

8. TRIAL AND PREPARATION FOR TRIAL

- a. The parties should have 20 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).
- b. This case should be ready for trial by: 03/05/12
Specify type of trial: Bench
- c. The estimated length of the trial is: 3 days

/s/ Scott P. Nickle
SCOTT P. NICKLE
Attorney for Plaintiff

Date: April 5, 2011

/s/ Jeffrey E. Nelson
JEFFREY E. NELSON
Attorney for the United States

Date: April 5, 2011